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IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Org. for
Judge,

UNITED STATES OF AMERICA ex rel.
MILTON JONES R29598

Petitioner,

v.

TERRY McCANN, WARDEN.

Respondent,

No. 08 C 2057

The Honorable
Elaine E. Bucklo,
Judge Presiding.

NOTICE OF MOTION TO STATE PROCEEDINGS

TO: Honorable Elaine E. Bucklo,
Courtroom 1441
219 South Dearborn Street,
Chicago Il. 60604

FILED

TO: Lisa Madigan
Attorney General
100 West Randolph Street
Chicago Il. 60601

AUG 18 2008 MB

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

August 2008. at or as soon thereafter, Petitioner Notice of Motion is Mail out from Stateville CC. and shall appear before the Honorable Elaine E. Bucklo, Room 141, or any Judge sitting in her stand in the Courtroom usually occupied by her at 219 S. Dearborn Street, Chicago Il. and present the attached Motion to State Proceedings, Affidavit, and Exhibit's.

BY:

Milton Jones
MILTON JONES R29598
STATEVILLE CC.
P.O. BOX 112
JOLIET IL. 60434

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TERRY McCANN, WARDEN.

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Respondent,

MOTION TO STATE PROCEEDINGS

Where States remedies remain available to Petitioner, Who has not fairly presented his Constitutional Claim to the state Courts, Petitioner (Mother) Chavella Jones, has retained an Investigative and/ or Expert Assistance, Mr. Henry Hill from the John Howard Association of Illinois, Tel. 312-782-1901. To determine whether Petitioner fell within the "Actual Innocence" exception to procedural defaults that this Court will recognized as to substantive offenses.

An Affidavit in support of this motion is attached.

Respectfully Submitted,

BY: Milton Jones
MILTON JONES R29598
STATEVILLE CC.
P.O. BOX 112
JOLIET IL. 60434

STATE OF ILLINOIS

COUNTY OF COOK

A F F I D A V I T

I, Milton Jones, being first duly sworn upon oath, depose and state:

1. Petitioner after being denied Counsel, Petitioner sent out a letter to more then 50 PRO BONO Attorney, Asking for help. See (Exhibit-A)

2. Mr. Henry Hill, made Petitioner a Post-Conviction Petition. He have been working with Petition Mother while Petitioner was on Lockdown in Stateville CC. For Mr. Hill, Information. See (Exhibit-B)

3. Petitioner talk with his Mother over the phone, and was told that the Second Post-Conviction is in the Mail for Petitioner to sign and send back to Mr. Hill, with any question that Petitioner have, and would like to add.

4. Stateville CC. came off lockdown on 8/6/08, and Petitioner is on the Law Library list for 8/11/08. And will be able to get all of his legal Documents out of the Library.

5. Petitioner was told to write to the warden about his Legal Documents, that was in the Library, and Warden Hosey, did not response. See (Exhibit-C) with a Grievance that was filed.

6. Petitioner will also be able to send the Court's the receipts from Mr. Hill, Petitioner Mother had put them in the mail, and it takes sometimes up to two weeks for inmates to get they mail. The Cost was \$600.00, and She made a payment of 150.00, and \$50.00. Petitioner Mother have to pay Mr. Hill \$400.00 more.

7. Respondent's Answer was do on June 27,2008, and Petitioner would like the Court's to make it clear to Respondent's that his Inmate number is NOT K51342, and petitioner think that it was done to cause Petitioner from recieving it on time.

8. As stated in Petitioner Motion for Extention of time, and which petitioner didn't recieve an response to yet. But Respondent's Answer from Lisa Madigan was sever to Petitioner on July 17 2008. See attached documents on Motion for Extention of time by Petitioner.

9. Any Legal mail coming from an Attorney, Inmates will get them in two days.

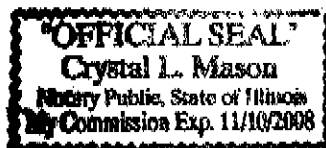
10. Mr. Hill, went over all the Information that in the Second Post-Conviction Petition with Petitioner Mother, and She mail out Petitioner copy to be sign, So it may take a little longer for him to get it from Stateville Mailroom, and A copy can be sent to the Court Ms. Bucklo, if request.

WHEREFORE, for the foregoing reason, Petitioner request to the Court, To Grant Summary Judgement to the State Court's, On the Claims from Mr. Henry Hill.

FURTHER AFFIANT SAYETH NOT.

s/ Milton Jones
MILTON JONES R29598
STATEVILLE CC.
P.O. BOX 112
JOLIET IL. 60434

Signed on this 11th day of Aug., 2008



**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.1.3
Eastern Division**

Milton Jones

Plaintiff,

v.

Case No.: 1:08-cv-02057

Honorable Elaine E. Bucklo

Terry McCann

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, May 27, 2008:

MINUTE entry before the Honorable Elaine E. Bucklo: Plaintiff's motion for leave to proceed in forma pauperis [6] denied as moot. His motion to appoint counsel [7] is denied. Mailed notice (mpj,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

MILTON JONES R29598
STATEVILLE CORR. CENTER.
P.O. BOX 112
JOLIET IL. 60434

01 CR 18654 01
CASE NUMBER

I write to you today, and hoping for your help in obtaining quality legal assistance, and or PRO BONO assistance. I am indigent and have nowhere and nobody to turn to. If you are unable to provide assistance, Can you please refer me to someone that may have any information available to assist me in and any legal advice that can help me prove my innocents. I'm also looking for a Law Firm, Public Service, or Community Agencies, That may be able to get me a copy of my DISCOVERY, I can come up with the Fees that I need to retain someone for there Time and for the copies of the Documents that I need. My trial Attorney's never allowed me the opportunity to look at or go over my Police Reports or any of my Records, So I never new about putting on any defense in my Case. Thank you for taking the time out to read my request. You can send the information of the Cost for the Discovery, To me or to my Mother, Her name is Chavella Jones 509 155th Street, Calumet City Il. 60409. 708-868-4338

Exhibit-A



John Howard Association of Illinois

300 West Adams Street, Suite 423 Chicago, IL 60606
Tel. 312-782-1901 Fax. 312-782-1902 www.john-howard.org

July 9, 2008

Milton Jones #R29598
Route 53
P.O. Box 112
Joliet, IL 60434

Dear Mr. Jones,

We received your letter regarding your criminal case and Mr. Henry Hill at the JHA spoke to your mother on July 2, 2008 via phone as you requested.

The John Howard Association of Illinois tries to assist inmates who need information or assistance with problems having to do with conditions of incarceration, grievances, medical care and the like. We do not provide legal representation to individual inmates. We are returning your documents.

Unfortunately and as you probably well know there are few attorneys or law firms that are able to assist inmates with legal problems such as yours. Those who do are seriously overloaded with work.

Sincerely,

A handwritten signature in black ink that reads 'Charles A. Fasano'.

Charles A. Fasano, Director
Prisons and Jails Program

Exhibit - B

MILTON JONES R29598
C_House Cell 1057

7/27/08

Dear Warden Hosey,

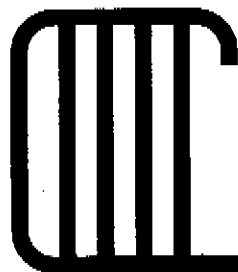
I write to you today, and hope for your help. I have a Court deadline for 8/8/08. Counselor Mansfield, Told me to write you and he has a copy of my deadline. I'm requesting to have everything in my other Legal Box thats in the Law Library, Mail or brought to me C-1057 with your promission, I have also talked with Ms. Winters, The Law Library clark, and she said that, she is not allow to go into any of the inmates Legal Box, Only the Security can do that. I do not have a lot of stuff in my Legal Box, Just about 10 to 12 big envelopes. I have not been able to get to my Legal Box for over three Months. I even wrote a grievance about it, and I was told that I needed a deadline, I'm sending you a copy of the Grievance and the response. I knew that I was going to be getting a deadline soon, thats why I was trying to get to my Legal Documents, And when I did get the deadline we went on Lockdown. If it's Gods will, Can you please allow the Counselor, Mr. Mansfield, or the Law Clark Ms. Winter, to Mail or bring me my Legal Documents to me. Thank you for taking the time out to read my request. and God Bless You.

Can you please send me a response.

THIS IS A COPY

Milton Jones R29598
C-HOUSE CELL 1057 PRO SE

Exhibit-C, AND GRIEVANCE



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker Jr.
Director

Stateville Correctional Center / Rt. 53 / P.O. Box 112 / Joliet, IL 60434 / Telephone: (815) 727-3607 / TDD: (800) 526-0844

TO: R29598 Milton Jones

FROM: David Mansfield,
Correctional Counselor II

DATE: August 11, 2008

RE: Lockdowns

Stateville Correctional Center was on lockdown during the below listed dates:

June 27 through July 16, 2008

July 19 through August 6, 2008

Library call passes are not issued during lockdown.

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Date: <u>6-11-08</u>		Offender: <u>MILTON JONES</u>	ID#: <u>R29598</u>
Present Facility: <u>STATEVILLE</u>		Facility where grievance issue occurred: <u>STATEVILLE</u>	

NATURE OF GRIEVANCE:

<input type="checkbox"/> Personal Property	<input type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input type="checkbox"/> Disability
<input type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment	<input type="checkbox"/> HIPAA
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input checked="" type="checkbox"/> Other (specify): <u>LAW LIBRARY</u>	

☐ Disciplinary Report: _____ Date of Report: _____ Facility where issued: _____

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:
 Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.
 Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.
 Chief Administrative Officer, only if EMERGENCY grievance.
 Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Brief Summary of Grievance: FOR THE LAST TWO MONTHS, I HAVE BEEN PUTTING IN REQUEST SLIP TO GO TO THE LAW LIBRARY AND THEY WILL NOT CALL ME. I EVEN TOLD COUNSELOR MANSFIELD ABOUT IT, AND I STILL HAVEN'T BEEN CALLED. I AM BEING DENIED ACCESS TO MY OTHER LEGAL BOX THAT WHICH IS IN THE LAW LIBRARY. I WROTE TO THE LAW LIBRARY THREE WEEKS AGO AND I TOLD THEM IF THEY DON'T PUT ME ON THE LIST THAT I WAS GOING TO WRITE A GRIEVANCE. THE COURTS DENIED ME APPOINT OF ATTORNEY SO I NEED TO GET TO THEM BOOKS THAT'S IN THE LAW LIBRARY. → OVER

Relief Requested: THAT I BE PUT ON THE LAW LIBRARY LIST ONCE A MONTH OR MORE DEPENDING THE OUTCOME OF MY CASE.

☐ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

Milton Jones R29598 6.11.08
 Offender's Signature ID# Date

(Continue on reverse side if necessary)

Counselor's Response (if applicable)	
Date Received: <u>6.11.08</u>	<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: <u>The law library has been contacted by this counselor regarding grievant's request for access. Offenders with documented court deadlines are given precedence. Monthly access cannot be guaranteed due to the volume of requests.</u>	
<u>David Mansfield CCH</u>	<u>David Mansfield</u> <u>6.23.08</u> Print Counselor's Name Counselor's Signature Date of Response

EMERGENCY REVIEW	
Date Received: _____	Is this determined to be of an emergency nature? <input type="checkbox"/> Yes; expedite emergency grievance <input type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
_____ Chief Administrative Officer's Signature	_____ Date

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE (Continued)

FOR THE LAST TWO MONTHS THEY BEEN CALLING THE SAME
INMATES OVER THERE. ON MONDAY JUNE 9, 2008 THEY CALLED
ONLY INMATES FROM 2, 4, AND 6, GALLERYS AND ONLY ONE
INMAT FROM 10 GALLERY. AND TODAY WEDNESDAY 11, THEY
CANCEL THE LAW LIBRARY. I WAS SENDING MY REQUEST SLIPS
OVER THERE EVERY WEEK AND BY MAIL.